

Decision 04-09-009 September 2, 2004

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Sacramento Regional Transit District for an order authorizing District to construct, modify and maintain the Sunrise Station Driveway across the Union Pacific Railroad tracks at the Sunrise Station in the County of Sacramento, State of California.

Application 03-11-018  
(Filed November 21, 2003)

**O P I N I O N**

**Summary**

This decision grants Sacramento Regional Transit District's (District) request for authority to construct and maintain a new public at-grade highway-rail crossing (crossing), to be known as Sunrise Station Driveway, across the track of the Union Pacific Railroad (UPRR). The new crossing will be identified as Commission Crossing No. 001AH-104.20.

**Discussion**

The District requests authority to construct the new Sunrise Station Driveway crossing across the UPRR track. Presently, the District has two tracks which are grade-separated over the area of the proposed road parallel to the UPRR track. The road would proceed under the District's grade-separated structure and then at-grade across the UPRR track, connecting Folsom Boulevard and the new Sunrise Station parking lot. The parking lot has only one other access point on Sunrise Boulevard. Any access point from Folsom Boulevard

would have to cross the UPRR track. The access from, and to, Folsom Boulevard will be limited to right turns in and out as shown on the plans submitted.

The new crossing will be equipped with two Commission Standard No. 9 warning devices (flashing light signals with automatic gates) and pavement markings. The freight rail traffic consists of less than two train movements across the crossing per day, and proceeds at speeds less than twenty five miles per hour.

The District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving this project and stating that the project will have a significant effect on the environment. Mitigation measures were made a condition of approval of the project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

We reviewed the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) for the Folsom Corridor Project and believe it is adequate for our decision-making purposes. Safety, transportation and noise are within the scope of the Commission's permitting process.

Safety impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt cross street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of light rail vehicles through shielding, reprofiling of the wheels and other measures.

Transportation impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bike path in the City of Folsom, and reducing the level of service at several intersections. The adopted mitigation measures include the City of Folsom relocating its bike path, and the use of nearside grade crossing indicators where at grade crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the road. For all but one of the intersections affected, District determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

With respect to the potentially significant safety, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We

will adopt the District's environmental findings and mitigations for purposes of our approval.

Rail Crossings Engineering Section (RCES) staff inspected the site of the proposed project. Staff concurs with the District that grade-separating the proposed crossing is not practicable. After reviewing the need for and safety of the proposed crossing, staff recommends that the requested authority be granted for a period of two years. Application 03-11-018 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3124, dated December 4, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Application was published in the Commission's Daily Calendar (CDC) on November 24, 2004. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3124.

The District has requested the order become effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waved.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the CDC on November 24, 2003. No protests have been filed.
2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct, modify and maintain a new at-grade crossing for the Sunrise

Station Driveway. The new crossing will be identified as Commission Crossing No. 001AH-104.20.

3. Public convenience, safety, and necessity require the construction of the subject crossing.

4. Public safety requires that the crossing be equipped with two Commission Standard No. 9 warning devices (flashing light signals with automatic gates) and pavement markings.

5. The District is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the District's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

7. On March 15, 2000, the District filed its NOD approving the project and found that the Downtown Sacramento - Folsom Corridor Project would have a significant effect on the environment. Mitigation measures were made a condition of project approval.

8. Safety, transportation and noise are within the scope of the Commission's permitting process.

9. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

### **O R D E R**

**IT IS ORDERED** that:

1. The Sacramento Regional Transit District (District) is authorized to construct a new at-grade highway-rail crossing, to be known as the Sunrise Station Driveway, across the track of the Union Pacific Railroad. The new crossing will be identified as Commission crossing No. 001AH-104.20.

2. The crossing shall be equipped with two Commission Standard No. 9 warning devices (flashing light signals with automatic gates), and pavement markings.

3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the District and the Railroad (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, the District shall notify the Commission's Rail Crossing Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossing and Separations), that the authorized work was completed.

5. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. This application is granted as set forth above.

7. Application 03-11-018 is closed.

This order is effective today.

Dated September 2, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President  
CARL W. WOOD  
LORETTA M. LYNCH  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
Commissioners